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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,699	03/15/2001	William James Anderl	ROC920010018US1	3563
7590	05/27/2005			
Leslie J. Payne IBM Corporation, Dept. 917 3605 Highway 52 North Rochester, MN 55901-7829				EXAMINER LIN, TINA M
				ART UNIT 2874 PAPER NUMBER

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/809,699	ANDERL ET AL. <i>(Signature)</i>
	Examiner	Art Unit
	Tina M. Lin	2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 March 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.  
 4a) Of the above claim(s) 9-26, 29 and 30 is/are withdrawn from consideration.  
 5) Claim(s) 8 is/are allowed.  
 6) Claim(s) 1-3, 5, 6, 27 and 28 is/are rejected.  
 7) Claim(s) 4 and 7 is/are objected to.  
 8) Claim(s) 1-30 are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 02 July 2001 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/18/01</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

This Office action is responsive to applicant's communication submitted on 07 March 2005.

Claims 9-26 and 29-30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected transceiver and electromagnetic interference apparatus, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 07 March 2005.

*27, and 28*  
Applicant's election with traverse of claims 9-26 in the reply filed on 07 March 2005 is acknowledged. The traversal is on the ground(s) that Group II (claims 9-26) has been improperly classified. This is not found persuasive because even though the Examiner does agree Group II has been improperly classified and should be classified in class 398, subclass 135, the search required for Group I is **not** required for Group II.

The requirement is still deemed proper and is therefore made FINAL.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,556,811 to Sayer et al.

In regards to claims 1 and 5, Sayer et al discloses a method of cooling an optical transceiver that is mountable to a wall where air is ventilated through two openings (61, 62) over

the major surface portion (5). But Sayer et al fails to specifically disclose mounting one end of the transceiver with a wall opening so that a vent is formed within the confines of the wall opening to allow air to pass. However, Sayer et al does disclose a cover (51) to be placed in a similar fashion as the wall opening. The cover further allowed for a clearance distance to allow air to enter and cool the base of the transceiver. Since both the cover and the wall opening perform the same function, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have placed either a cover or a wall opening in order to form a vent to allow air to pass.

Claims 2, 3, 6, 27and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,556,811 to Sayer et al as applied to claim 1 above, and in further view of U.S. Patent 6,856,769 to Steffensen et al.

In regards to claims 2 and 6, Sayer et al discloses that the transceiver does not interfere with the external radiation. But Sayer et al fails to disclose shielding the transceiver, vent and wall opening from electromagnetic interference. However, Steffensen et al discloses a similar transceiver module that allows for ambient air-cooling surrounded by a shell that electromagnetically shields the transceiver. Since Sayer et al is silent on the details of the transceiver and Steffensen et al discloses a similar module which further details the transceiver, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have a transceiver that is shielded from electromagnetic interference in order to reduce the amount of interference to internal electrical component.

In regards to claim 3, Sayer et al discloses the air vent to partially surround a connector port (71, 72, 73, 74, 75).

In regards to claims 27 and 28, Sayer et al discloses a heat sink cover (51) including a carrier member which are joined together (by 52, 52) to define an enclosed portion, an optical subassembly (5) within the enclosure where the optical subassembly is a transceiver with electro-optical transmitter units. But Sayer et al fails to disclose the details of the transceiver component. However, Steffensen et al discloses several components comprising the optical transceiver connected by a paste to provide electromagnetic shielding. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have a transceiver comprising electronic devices thermally coupled by a paste, which provides electromagnetic shielding.

***Allowable Subject Matter***

Claims 4 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art of record in this application fails to disclose or reasonably suggest a method of cooling an optical transceiver including the steps of providing a transceiver insertable into a wall opening, ventilating ambient air over a major surface of the transceiver, shielding the transceiver, vent and wall opening from electromagnetic interference, partially surrounding the connector port with an adjacent vent and further providing an electromagnetic screen assembly adjacent to and covering the vent. More specifically, the prior art of record, relied on in the above rejection fails to disclose or reasonably suggest an additional electromagnetic screen assembly adjacent to the covering of the vent.

Claim 8 is allowable. The prior art of record in this application fails to disclose or reasonably suggest a method of cooling an optical transceiver including the steps of providing a transceiver insertable into a wall opening, ventilating ambient air over a major surface of the transceiver, shielding the transceiver, vent and wall opening from electromagnetic interference, partially surrounding the connector port with an adjacent vent and further providing an electromagnetic screen assembly adjacent to and covering the vent. More specifically, the prior art of record, relied on in the above rejection fails to disclose or reasonably suggest an additional electromagnetic screen assembly adjacent to the covering of the vent.

The documents submitted by applicant in the Information Disclosure Statement have been considered and made of record. Note attached copy of form PTO-1449. None of the documents submitted by Applicant discloses or reasonably suggests the allowable subject matter discussed above.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References C and D both discuss similar methods of cooling an optical transceiver by using air vents or cooling fans. None of the documents cited by the Examiner discloses or reasonably suggests the allowable subject matter discussed above.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

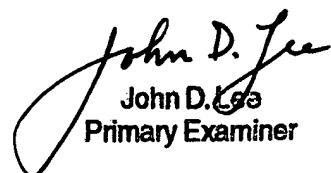
invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tina M. Lin whose telephone number is (571) 272-2352. The examiner can normally be reached on Monday-Friday 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
TML

  
John D. Lee  
Primary Examiner